

1 WALLACE C. DOOLITTLE (SBN 158116)
2 BRADLEY D. BAYAN (SBN 218751)
3 **LAW OFFICES OF WALLACE C. DOOLITTLE**
4 1260 B Street, Suite 220
5 Hayward, California 94541

6 TELEPHONE: (510) 888-0600
7 FAXSIMILE: (510) 888-0606
8 EMAIL: doolittlew@doolittlelaw.com

9 Attorneys for Defendants JEFFREY SCHREIBER and SUZANNE E. SCHREIBER

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SIMMONDS & NARITA LLP, a limited
liability partnership,

Plaintiff,

v.

JEFFREY SCHREIBER; SUZANNE E.
SCHREIBER; and DOES 1 through 50,
inclusive

Defendants,

Case No. C-08-2209-SI

EX-PARTE APPLICATION REQUESTING
EXTENSION OF DEADLINE TO
COMPLETE SETTLEMENT
CONFERENCE

TO PLAINTIFF SIMMONDS & NARITA, LLP, AND PLAINTIFFS' ATTORNEY OF
RECORD:

DEFENDANTS JEFFREY SCHREIBER AND SUZANNE E. SCHREIBER hereby
apply to Department 10 of this court, Located at 450 Golden Gate Avenue, 19th Floor, San
Francisco, California, the Honorable Susan Illston presiding, for an order extending the deadline
to complete the Settlement Conference in this case. The undersigned counsel has advised
counsel for the plaintiff that such an ex parte request will be made to this court. Defendants have

1 not sought or obtained any previous extensions of time. Such an extension is timely and is
2 necessary due to a calendaring conflict that attorney of record for Defendants, Wallace C.
3 Doolittle, Esq. has with regard to a trial in another matter that is scheduled to commence on
4 October 22, 2008, and which is not anticipated to be complete until for at least two weeks
5 thereafter. Counsel for the defendant also has other calendaring conflicts whereby the present
6 calendar of counsel for Defendants does contain openings whereby the Settlement Conference in
7 this case could take place until, at the earliest, the week of November 24, 2008. It is for the
8 above stated reasons that counsel for Defendants request a 45 day extension in which to
9 complete the Settlement Conference in this matter and also that the November 14, 2008 further
10 Case Management Conference also get continued until sometime in the first half of January
11 2009.

12 MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF EX-PARTE
13 APPLICATION REQUESTING EXTENSION OF DEADLINE TO COMPLETE
14 SETTLEMENT CONFERENCE

15 F.R.C.P 6(b) Extensions of Time

16 When an act may or must be done within a specified time, the court may, for good
cause, extend the time if a request is made, before the original time or its
extension expires.

17 The Pretrial Preparation Order that has been issued in this case orders that the Settlement
18 Conference must be completed no later than October 31, 2008. Currently, the date of the
19 Settlement Conference, that is set to take place before the Honorable Maria Elena James, is
20 October 28, 2008. Because counsel for Defendants is scheduled to commence trial in another
21 matter in Los Angeles County on October 22, 2008, and the estimated time that is anticipated for
22 this trial to be completed is no less than two weeks, counsel for Defendants made a sincere and
23 good faith attempt to get the date of the Settlement Conference moved to a later date by meeting
24 and conferring with opposing counsel about entering into a stipulation. Opposing counsel was
25 unwilling to stipulate to continuing the Settlement Conference Date to a later date. As a result of
26 this failure to stipulate this Ex Parte Application has been filed.

1 Because the deadline date for which this Settlement Conference has been ordered to be
2 completed has not yet passed, and because of the cited calendaring conflict of counsel for the
3 Defendants, Good Cause does exist allowing this court to extend the deadline in which the
4 Settlement Conference in this case should be completed.

5 Because of the following cited circumstances, counsel for Defendants respectfully moves
6 this court for an order extending the deadline in which to complete the Settlement Conference in
7 this matter for 45 days. Defendant also moves the court for an order continuing the Further Case
8 Management Conference to sometime in early January, 2009.

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11 Dated: Setpember 24, 2008

Respectfully submitted
12 LAW OFFICES OF WALACE C. DOOLITTLE

13 _____/s/_____
14 Bradley D. Bayan, Esq.
15 Attorney for Defendants Jeffrey Schreiber
And Suzanne Schreiber